IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRTIETH DAY OF MARCH
TWO THOUSAND AND SEVEN

PRESENT

THE HON'BLE MR JUSTICE J.CHELAMESWAR
AND
THE HON'BLE MR JUSTICE P.SWAROOP REDDY

WRIT APPEAL No.1799 OF 2004

Between:

The Chairman and Managing Director,
Indian Bank, Madras, and others.

..... APPELLANTS

AND

Indian Bank Employees Association,
Rep. by its General Secretary,
B.Vijaya Gopal Rao, and another.

....RESPONDENTS

THE HON'BLE MR JUSTICE
J.CHELAMESWAR
AND
THE HON'BLE MR JUSTICE
P.SWAROOP REDDY

WRIT APPEAL No.1799 OF 2004

O R D E R
(Per Sri Justice J.Chelameswar)

This writ appeal is filed by the respondents therein against the order of the learned single Judge dated 01.10.2004 in W.P.No.21136 of 1998.

The issue before the learned single Judge was whether the services of the second respondent herein are required to be regularized by the appellants. By the order under appeal, the learned single Judge came to the conclusion that the second petitioner is entitled for regularization of the services from the date of initial appointment as sub-staff with all consequential benefits, and the relevant portion of the order reads as follows:

> **"… Therefore, I am of the considered view that the 2nd petitioner is entitled to be considered for regularization of his services from the date of his initial appointment as sub-staff and for all consequential benefits, such as, pay scale, increments, seniority, promotion etc. This exercise shall be done by the respondents within a period of three months from the date of receipt of a copy of this order, by ignoring the ban orders, if any, and also relaxing the service rules, if necessary."**

It now appears that the appellant-bank is considering to regularise the services of the second respondent herein with prospective effect. The second respondent herein filed an affidavit dated 28th March, 2007 in WAMP No.505 of 2007 wherein it is stated as

follows:

> **"Now, it is learnt that the appellant Bank is considering the regularization of the employees who are in similar situation and is willing to consider my case also along with other employees with prospective effect. In view of the said fact that the appellant bank is considering my case also along with other employees with prospective effect, I hereby express my consent and willingness for regularization of my services with prospective effect from the date of present appointment only and I hereby withdraw all my claims made by me in the above said writ petition and also the benefits granted by the learned single Judge in the writ petition."**

In substance, the second respondent agreed to forego the benefit of regularization of the services from the date of his initial appointment in view of the fact that the appellant Bank agrees to regularise the services of the second respondent with prospective effect from the date of present appointment only.

Heard the learned counsel for the appellants.

In the circumstances, we do not see any reason to keep the writ appeal pending, and therefore, the same is disposed of directing the appellants to regularise the services of the second respondent herein. The direction of the learned single Judge is modified accordingly.

The writ appeal is accordingly disposed of. No costs.

JUSTICE J.CHELAMESWAR

P.SWAROOP REDDY

30th MARCH, 2007

PGS

THE HON'BLE MR JUSTICE
J.CHELAMESWAR
AND
THE HON'BLE MR JUSTICE
P.SWAROOP REDDY

WRIT APPEAL No.1799 OF 2004
(Per Sri Justice J.Chelameswar)

30th MARCH, 2007